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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/635,935	08/10/2000	Devon A. Rolf	RFDV.68391	6337

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UNEEDA ROYER
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KANSAS CITY, MO 64133

EXAMINER

LANEAU, RONALD

ART UNIT PAPER NUMBER

3627

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

42

Office Action Summary

Application No.

09/635,935

Applicant(s)

ROLF, DEVON A.

Examiner

Ronald Laneau

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
 Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-9,12--32,35-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-9,12--32,35-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Amendment

1. The amendment filed on 8/23/04 has been entered. New claims 50-61 are added and claims 1, 2, 4-9, 12-32 and 35-61 are now pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4-9, 12-32 and 35-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berg et al (US 6,394,343 B1) in view of Pentel (US 6,435,406 B1).

As per claims 1, 2, 60 and 61, Berg et al teach a device including a processor (fig. 5, 520), a memory (fig. 5, 522), and a transmitter (fig. 6, 622) all housed in a portable housing and collectively operable to perform data communications functions, wherein said memory has data indicative of monetary units stored therein, and wherein, during a purchase transaction at a point of sale terminal (col. 1, lines 66 to col. 2, lines 1-12), data indicative of a selected amount of monetary units associated with said purchase transaction is wirelessly sent from said device to said point of sale terminal (col. 2, lines 6-8). Berg et al do not teach a device that performs voice communications functions but Pentel teaches a voice ordering device including a cell phone or other wireless telecommunications device that is used to communicate with a ordering station over a cellular telephone communications network and telephone line (see abstract).

Art Unit: 3627

It would have been obvious to one of ordinary skill in the art the voice communication function as taught by Pentel into the device of Berg et al because it would allow a person to purchase an item, pay the bill remotely and also access account information such balance from the memory.

As per claims 4-9, 12-15, 27-32 and 35-37, Pentel teaches a portable device cellular or any other wireless telecommunications device such as portable computer, laptop or notebook computer, pda, pager and wherein transmission of data can be wirelessly done via radio frequency, short range wireless link (bluetooth), local area network, cellular link, etc as claimed (see abstract).

As per claims 15-26 and 38-49, Pentel teaches a keypad input used for dialing telephone numbers and for entering a personal identification number (PIN) wherein said PIN must be entered into said device to complete said transaction (see abstract), wherein said point of sale can be a television, a vending machine, a fast-food drive trough terminal, a gas pump, a check-out station at a retail store, a restaurant, an online store and wherein said transaction is completed while said device is communicating via a voice link with said point of sale terminal as claimed (col. 3, line 60 to col. 4, line 3).

As per claims 50-59, Pentel does not teach a smart cart engine chip but teach a processor that is capable of selecting the amount of monetary units from the memory for transmission to the point of sale as claimed and further a display screen (fig. 12A, 114) that is also capable of displaying information on the order and displaying an electronic receipt as claimed.

Art Unit: 3627

Response to Arguments

4. Applicant's arguments with respect to claims 1, 2, 4-9, 12-32 and 35-49 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Berg et al (US 6,502,748) teach a system card transfer of secure data, such as monetary values, and selectively transfers the secure data to or receives the secure data from a compatible smart card.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (703) 305-3973. The examiner can normally be reached on Mon-Fri from 8:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RL

Ronald Laneau
Examiner
Art Unit 3627

rl

Handwritten signature: Ronald Laneau
9/27/04
Primary Examiner